

**AFSCME, Council 93, Local 3657 Brookline Police Officers Association (Brookline Police Department) v. Town of Brookline**, Decision No. 2013-025 (Case No. G-0128-5); affirmed, *Appeal of Town of Brookline*, 166 N.H. 201 (April 18, 2014).

The Union claimed that the Town committed an unfair labor practice when, in the midst of ongoing efforts to bargain a successor agreement, the Town unilaterally suspended the bargaining process and refused to recognize the Union as exclusive representative or engage in collective bargaining with the Union and bargaining unit employees. The Town denied the charge and claimed that its actions were justified because there were fewer than 10 employees in the bargaining unit. The Town argued that PELRB rules did not establish a procedure by which a public employer could challenge the continued certification of a bargaining unit which has failed to include at least ten employees during the time period following the PELRB certification of the bargaining unit; and that the only way for it to litigate the issue was by refusing to bargain with the Union and precipitating an unfair labor practice charge. The Town also argued that the PELRB lacked jurisdiction over the Union's complaint because the number of bargaining unit employees was below 10.

The PELRB ruled that it had jurisdiction over the Union's complaint. The PELRB found that the Town committed unfair labor practices in violation of RSA 273-A:5, I (a), (b), (e), (g), (h), and (i) when it refused to participate in collective bargaining with the duly certified exclusive representative, refused to recognize the duly certified bargaining unit, unilaterally changed the terms and conditions of employment for bargaining unit employees, and terminated the deduction of Union dues.

***Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.***